

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN LYNN CRUM,	)	
	)	Case No. 1:10-cv-180-SJM-SPB
Plaintiff,	)	
v.	)	
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**O R D E R**

Plaintiff's complaint was received by the Clerk of Court on July 20, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 29, 2011 [16], recommends that: (i) the Plaintiff's Motion for Summary Judgment [11] be granted in part and denied in part, (ii) the Defendant's Motion for Summary Judgment [14] be denied, and (iii) the decision of the administrative law judge ("ALJ") be vacated and remanded for reconsideration. The parties were allowed fourteen (14) days from the date of service in which to file objections. The parties, through their respective counsel, were served electronically on June 29, 2011. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 20<sup>th</sup> Day of July, 2011;

IT IS ORDERED that the Plaintiff's Motion for Summary Judgment [11] shall be, and hereby is, GRANTED in part and DENIED in part, as follows: (i) said motion is GRANTED to the extent that Plaintiff seeks review and/or remand of the ALJ's decision, and (ii) said motion is DENIED to the extent that Plaintiff seeks a reversal of the ALJ's decision.

IT IS FURTHER ORDERED that the Defendant's Motion for Summary Judgment [14] shall be, and hereby is, DENIED, and the decision of the ALJ shall be, and hereby is, VACATED and REMANDED for further consideration not inconsistent with the Magistrate Judge's Report and Recommendation and this Memorandum Order.

The report and recommendation of Magistrate Judge Baxter, dated June 29, 2011 [16], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record

U.S. Magistrate Judge Baxter